

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAVID M. KENT, D.O.; and DMK
MEDICAL, PLLC, d/b/a LIFESTYLE
LIFT,

Plaintiffs, No. 05-60215

v.

Hon. John Corbett O'Meara

HAIR LOSS TREATMENT CENTERS,
LLC; COZMEDIC SURGERY
ASSOCIATES, LLC; JANNEEN M.
HEILMAN; and MICHAEL HEILMAN,

Defendants.

ORDER OF PARTIAL DISMISSAL

Plaintiffs filed a five-count complaint in this court September 9, 2005, alleging both state and federal claims for Defendants' alleged copyright infringement. While alleged violations of the Trademark Act, 15 U.S.C. §§ 1121 and 1125(a), are cognizable in this court pursuant to 28 U.S.C. §§ 1343, Counts I, IV and V are based solely on state law. Since the parties to this matter are not diverse, this court declines to exercise supplemental jurisdiction over the state claims so as to avoid jury confusion. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs, 383 U.S. 715 (1966); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994).

Therefore, it is hereby **ORDERED** that Counts I, IV and V are **DISMISSED**.

s/John Corbett O'Meara
John Corbett O'Meara
United States District Judge

Dated: October 27, 2005